

OFFICIAL COPY

Fresno, California

September 18, 2001

The City Council met in regular and joint session with the Redevelopment Agency at the hour of 8:30 a.m. in the Council Chambers, City Hall, on the day above written.

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|----------|---------------|--------------------------|
| Present: | Tom Boyajian | Councilmember |
| | Brian Calhoun | Councilmember |
| | Brad Castillo | Councilmember |
| | Jerry Duncan | Councilmember |
| | Sal Quintero | Councilmember |
| | Dan Ronquillo | Acting Council President |
| | Henry Perea | Council President |

Dan Hobbs, City Manager
Dan Fitzpatrick, Agency Executive Director
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

President Perea introduced Mayor Autry, Police Chief Dyer, Fire Chief Smith, Rufus Hernandez, Merchant Marine Veteran and Commander of American Legion Post 4, Laura Edmonds, Member of the Women's Army Corps and National Honor Guard and U.S. Army, World War II, Korean and Vietnam war veteran, and Katie Bryant, 13-year old Clark Intermediate School student.

Fire Chief Smith presented the Honor Guard.

President Perea commented briefly on the terrorist attacks that occurred one week ago and honored those who died in the tragedies.

Pastor Jim Franklin, Cornerstone Church, gave the invocation.

Mayor Autry commented on the tragedies and called for a moment of silence. A bagpipe presentation of Amazing Grace was performed by Mr. Mark Little.

Mr. Hernandez and Ms. Edmonds led the Pledge of Allegiance to the Flag, and Katie Bryant recited the American Creed

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PROCLAMATION OF JEANETTE HARRIS DAY - ACTING PRESIDENT RONQUILLO

PROCLAMATION OF NATIONAL POLLUTION PREVENTION WEEK

The above proclamations were read and presented.

RESOLUTION OF COMMENDATION TO POLICE OFFICER JULIAN VINTON, JR.

Mayor Autry presented the resolution and along with Chief Dyer commended Officer Vinton, and Officers Leal and Cardenas who were also involved in the shoot out that day. Mrs. Vinton recognized and commended her husband's fellow narcotics unit officers and the entire police department. Members of the Council also commended Officer Vinton and the entire department for their dedication, sacrifice, and putting their lives on the line daily to protect the community.

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The City Council convened in joint session with the Redevelopment Agency at 9:07 a.m.

APPROVE AGENCY MINUTES OF AUGUST 28, 2001

On motion of President Perea, seconded by Acting President Ronquillo, duly carried, RESOLVED, the Redevelopment Agency minutes of August 28, 2001, approved as submitted.

**(“A”) CONSIDER PROGRAM FINAL EIR NO. 2000-01 FOR THE CONVENTION CENTER REDEVELOPMENT PROJECT AREA - DOWNTOWN PRESTIGE MIXED USE DEVELOPMENT, AND A MITIGATED NEGATIVE DECLARATION FOR CUP NO. C-01-145, RELATING TO THE DEVELOPMENT OF A 400-ROOM WYNDHAM HOTEL LOCATED AT 800-808 “M” STREET AND A PARKING GARAGE ON THE WEST SIDE OF “O” STREET BETWEEN INYO AND VENTURA BEHIND THE CONVENTION CENTER COMPLEX
(CONTINUE TO SEPTEMBER 25, 2001)**

Continued as noted.

(“B”) CONSIDER ACTIONS RELATING TO AN OWNER PARTICIPATION AGREEMENT (OPA) FOR DEVELOPMENT OF PROPERTY AT THE SOUTHWEST CORNER OF FRESNO AND “B” STREETS IN THE SOUTHWEST FRESNO GNRA (COUNCIL AND AGENCY ACTION)

1. JOINT RESOLUTION NO. 01-284/1586 - SELECTING STAN SIROONIAN AS THE OWNER PARTICIPANT, WAIVING CERTAIN OWNER PARTICIPATION CRITERIA, MAKING CERTAIN FINDINGS PURSUANT TO COMMUNITY REDEVELOPMENT LAW, AND APPROVING THE OPA WITH STAN SIROONIAN

2. AUTHORIZE THE EXECUTIVE DIRECTOR/DESIGNEE TO EXECUTE THE OPA

Redevelopment Administrator Murphey gave a brief overview of the issue as contained in the staff report as submitted.

Barbara Hunt, 944 “F” Street, spoke to the issue.

Acting President Ronquillo expressed his support and thanked Mr. Siroonian for his investment in the area stating good things like this would cause other good things to happen, commended the Redevelopment Agency and staff, and made a motion to approve staff's recommendation, which was acted upon after brief comments of support by Councilmember Boyajian, President Perea and Chair Duncan who also commended Mr. Siroonian.

On motion of Acting President Ronquillo, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Joint Council/Agency Resolution No. 01-284/1586 hereby adopted, and the Executive Director or Redevelopment Administrator authorized to execute the Owner Participation Agreement and take such further actions as may be necessary or appropriate to carry out the Agency's obligations or enforce the Agency's rights under the Agreement, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan |
| Noes | : | None |
| Absent | : | None |

UNSCHEDULED AGENCY ORAL COMMUNICATIONS:

APPEARANCE BY BARBARA HUNT, 944 "F" STREET, REGARDING TAX REIMBURSEMENT RESOLUTION

Appearance made; no action taken **(2 - 0)**.

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The joint bodies adjourned their meeting at 9:21 a.m. and the City Council reconvened in regular session.

APPROVE CITY COUNCIL MINUTES OF AUGUST 28 AND SEPTEMBER 4, 2001

Gloria Torez, 2600 Fresno Street, clarified her comments made on August 28th, Item 2:30 p.m., Page 138-91, on the need for improved transit service and elimination of the *fare increase* for students and the entire community.

On motion of Councilmember Castillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the minutes of August 28, 2001 and September 4, 2001, approved as submitted.

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APPROVE AGENDA:

(11:15 A.M.) HEARING ON CONDITIONAL USE PERMIT NO. C-01-058, AND RELATED ENVIRONMENTAL FINDINGS FILED BY BOB CAIRE FOR BILL EVERETT, PROPERTY LOCATED AT THE SOUTHWEST CORNER OF N. GOLDEN STATE BOULEVARD AND W. SHAW AVENUE - 4915 N. GOLDEN STATE BOULEVARD (COUNCIL DISTRICT 2)

1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. C-01-058, DATED JUNE 1, 2001
2. RESOLUTION - APPROVING CONDITIONAL USE PERMIT NO. C-01-058

At the request of Councilmember Calhoun and the applicant and with Council consensus, the hearing was continued to October 30, 2001, at 11:15 a.m.

(10:00 A.M.) HEARING ON REZONING APPLICATION NO. R-01-027, AND RELATED ENVIRONMENTAL FINDINGS, FILED BY TUTELIAN DEVELOPMENT PARTNERS, PROPERTY LOCATED ON THE SOUTHWEST CORNER OF N. BLACKSTONE AND W. NEES AVENUES (COUNCIL DISTRICT 6)
(ACTED UPON LATER AS SCHEDULED)

Councilmember Duncan advised the subject property was located in District 2, not 6. So noted and corrected.

(11:00 A.M.) CONTINUED HEARING ON THE FORMATION OF COMMUNITY FACILITIES DISTRICT NO. 5 - FOUNDRY PARK (CONTINUE TO OCTOBER 2, 2001, AT 11:00 A.M.)

Continued to October 2, 2001, at 11:00 a.m.

On motion of Councilmember Castillo, seconded by Acting President Ronquillo, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

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|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea |
| Noes | : | None |
| Absent | : | None |

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ADOPT CONSENT CALENDAR:

(1A-1a) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO LA CHEMICAL COMPANY IN THE ESTIMATED AMOUNT OF \$42,113.66 FOR SODIUM FLUORIDE

(1A-1b) AWARD A CONTRACT TO STEVE DOVALI CONSTRUCTION IN THE AMOUNT OF \$98,153 TO FURNISH AND INSTALL WELL SITE IMPROVEMENTS AT PUMP STATION 77

(1A-1c) DECLARE A MAIL INSERTER MACHINE AND SHEET FEEDER SURPLUS TO THE CITY'S NEEDS AND AUTHORIZE THE PURCHASING MANAGER TO DISPOSE OF THE MACHINES IN ACCORDANCE WITH THE FRESNO MUNICIPAL CODE

(1A-2a) RESOLUTION NO. 01-285 - SETTING ASIDE AND VOIDING CONDITIONAL USE PERMIT (CUP) APPLICATION NO. C-99-149 RELATING TO THE FRESNO MEMORIAL AUDITORIUM, INCLUDING CONTACTS OR BIDS APPROVED IN FURTHERANCE THEREOF, TO COMPLY WITH AN ORDER OF THE FRESNO SUPERIOR COURT (PEREMPTORY WRIT OF MANDATE)

(1A-4b) APPROVE EXPENDITURE OF \$500 OF DISTRICT 7'S GENERAL FUND 15% NON-INFRASTRUCTURE TO FUND THE PUNT, PASS AND KICK EVENT AT FRESNO CITY COLLEGE - PRESIDENT PEREA

(1A-13a) ADOPT RESOLUTION OF INTENTION NO. 1024-D TO VACATE THE "E"-FREEWAY 99 ALLEY BETWEEN TULARE AND KERN STREETS AND SETTING THE PUBLIC HEARING FOR OCTOBER 9, 2001 AT 10:00 A.M.

(1A-13b) APPROVE THE PURCHASE AND SALE AGREEMENT WITH ALICE HORN FOR ACQUISITION OF STREET RIGHT OF WAY AT 2320 E. CHURCH, ACCEPT THE DEED OF EASEMENT, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE AGREEMENT AND OTHER DOCUMENTS NECESSARY TO CONCLUDE THE ACQUISITION

(1A-13c) APPROVE ACQUISITION OF SEWER EASEMENTS ON: APN 329-020-33 FROM THE AMBASSADORS FOR CHRIST CHURCH (SPIRIT FILLED) OF FRESNO FOR \$9,100; ON APN 329-161-05 FROM BILL CHATMAN FOR \$5,000; AND ON APN 329-020-13 FROM SALVADOR ROMERO FOR \$66,000 FOR THE NORTH AVENUE TRUNK SEWER PROJECT, PHASE II, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE PURCHASE OF THE EASEMENTS

(1A-13d) APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH MENDOZA AND ASSOCIATES, ON A TIME AND MATERIAL BASIS, NOT TO EXCEED \$160,000, FOR ON-CALL CONSTRUCTION INSPECTION SERVICES FOR PUBLIC WORKS PROJECTS, AND AUTHORIZE THE CITY MANAGER/DESIGNEE TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

(1A-13e) RESOLUTION NO. 01-286 - INTENT TO ANNEX TRACT NO. 5030 TO THE CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 30, AND SETTING THE PUBLIC HEARING FOR OCTOBER 30, 2001, AT 11:00 A.M.

(1A-15a) APPROVE AIRPORT JOINT USE AGREEMENT (AJUA) WITH THE UNITED STATES OF AMERICA AND THE STATE OF CALIFORNIA, FOR THE FRESNO YOSEMITE INTERNATIONAL AIRPORT, AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE ANY DOCUMENTS NECESSARY TO EFFECTUATE SAID AGREEMENT

(1A-15b) APPROVE AMENDMENT NO. 1 TO THE AVIATION LAND LEASE AND AGREEMENT AND AMENDMENT NO. 1 TO AIRPORT USE AGREEMENT WITH AVIATION CLASSIFICATION REPAIR ACTIVITY DEPOT (AVCRAD), AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE THE SUBJECT AMENDMENT ON BEHALF OF THE CITY

Councilmember Castillo noted the above Item **1A-15b** related to the army repair station at Dakota and Peach Avenues, advised the amendment would extend the lease to allow for the expansion of the facility which serves 13 western states in the repair and maintenance of aircraft, stated the project would bring in excess of \$50 million from the federal government over the next five years for construction and would create additional jobs which would benefit not only the army but also the community, and made a motion to approve the item along with the entire consent calendar.

Speaking in support of the project and to construction and personnel aspects were Lt. Col. Falco, Construction and Facility Management Officer for CANG, and Lt. Col. Ververka, AVCRAD.

Brief comments were made in support of the project and the good message that needed to be sent out.

On motion of Councilmember Castillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

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| Ayes | : | Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea |
| Noes | : | None |
| Absent | : | None |

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(2A) APPROVE THE CITY ALLOCATION OF THE 2001 FRESNO COUNTY REGIONAL HOUSING NEEDS ALLOCATED PLAN (CONSIDERED AGAIN LATER)

Development Director Yovino gave a brief overview of the staff report as submitted. President Perea questioned if the matter required action this date or if it could be delayed to later in the meeting noting a couple of Council members had not reviewed the item due to it being located out of place in the agenda packet with “late items”. Mr. Yovino stated the matter could probably be delayed a week but he would check with COG on the timeline and report back later in the meeting, and responded to questions of Councilmember Boyajian relative to what specifically the city would be constructing, timeframe, strategy on where construction would take place, and inclusionary ordinances. The matter was held over to later in the meeting.

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(5A) APPOINT A MEASURE “C” AD HOC COMMITTEE - PRESIDENT PEREA

President Perea gave a brief overview noting the City was reaching a point to where an expenditure plan was needed on what the City wanted to move forward with, and stated in working with the Mayor’s office he felt an ad hoc committee was needed and advised Councilmember Calhoun had expressed interest in serving and chairing the committee.

Lengthy discussion ensued. Acting President Ronquillo stated because of the importance of the committee and being the COG representative he also would serve; commented on the success of Measure “C” stating this was the best form of tax ever created in Fresno County; stated the City should be at the forefront and part of negotiations on the city’s expenditure plan and a legal interpretation may be needed on whether the City of Fresno had the right to not participate if its plan was not supported; and commented on priorities. Transit Manager Rudd responded briefly to questions of Councilmember Duncan relative to the three alternatives and funding availability for Freeway 41 expansion and on/off ramp repairs. Councilmember Castillo commended Acting President Ronquillo for his work and representation on COG; stated he felt Fresno did not have enough representation and questioned if two COG votes was something that could be looked into; stated all the accomplishments and knowledge gathered by Acting President Ronquillo needed to be passed onto Councilmember Calhoun or it would be lost after Acting President Ronquillo termed-out; and stated it was important to know how the ½ cent sales tax could be distributed and how more of that money could be obtained by the City adding Fresno was probably the greatest generator of Measure C. Acting President Ronquillo commented on the disbursement of the money and stated at issue was how to wisely spend it and elaborated. Councilmember Boyajian commented briefly stating money was there and this was a matter of priorities, and spoke to the need to establish a policy on where Fresno wanted to spend their money and devise a plan that the voters would approve.

Upon question of Councilmember Duncan, President Perea stated the ad hoc committee would work quickly with the Mayor and City Manager to bring a unified plan to Council hopefully by October 2nd. Councilmember Duncan stated he had concerns and stressed voters’ needs and issues that affected them every day needed to be listed to.

Relative to Councilmember Castillo's earlier question, Mr. Rudd advised the City had three votes on the Steering Committee for Measure C, and requested the committee shoot for October 9th instead of the 2nd.

Gloria Torrez, spoke in support of Alternative 2.

By Council consensus Acting President Ronquillo and Councilmembers Calhoun and Castillo appointed to the Measure C Ad Hoc Committee with direction to report back on October 9th.

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(9:50 A.M.) APPEARANCE BY DAVID HOWARD TO DISCUSS THE REZONING OF A RESIDENTIAL AREA LOCATED ON AND AROUND THE 5000 BLOCK OF W. MAGILL AVENUE

Not present when called.

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(10:00 A.M.) HEARING ON REZONING APPLICATION NO. R-01-027, AND RELATED ENVIRONMENTAL FINDINGS, FILED BY TUTELIAN DEVELOPMENT PARTNERS, PROPERTY LOCATED ON THE SOUTHWEST CORNER OF N. BLACKSTONE AND W. NEES AVENUES (COUNCIL DISTRICT)

1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. R-01-027

2. BILL NO. B-74 - ORDINANCE NO. 01-68 - AMENDING THE CONDITIONS OF ZONING

President Perea announced the time had arrived to consider the issue and opened the hearing.

Planning Manager Beach gave a brief overview of the issue stating this was a housekeeping item and recommended approval. A motion was made to approve staff' recommendation and Mr. Beach responded briefly to questions of Councilmember Castillo relative to the setback and the road to be constructed.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Calhoun, seconded by Acting President Ronquillo, duly carried, **RESOLVED**, the finding of a Mitigated Negative Declaration for Environmental Assessment No. R-98-39, S-98-317, S-98-343 hereby approved; and the above entitled Bill No. B-74 approving Rezoning Application No. R-01-027 subject to (1) the retention of existing conditions of Zoning Nos. 2 and 4; (2) modifying existing condition of Zoning No. 1 to allow a 20-foot building setback along W. Nees Avenue for development within the C-M/UGM/cz zone designation; (3) modifying existing condition of Zoning No. 3 to require the establishment of a 20-foot landscape setback along the entire property frontage abutting N. Blackstone and W. Nees Avenues; and (4) removing condition of Zoning No. 5 from the property hereby adopted as Ordinance No. 01-68, by the following vote:

| | | |
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| Ayes | : | Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea |
| Noes | : | None |
| Absent | : | None |

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(3A) RESOLUTION NO. 01-287 - NOMINATING CERTAIN CENSUS TRACTS THE FILING OF AN APPLICATION WITH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR RENEWAL COMMUNITY DESIGNATION JOINTLY WITH THE CITY OF FRESNO AND STATE OF CALIFORNIA

A motion and second was made to approve staff's recommendation. Economic Development Coordinator Burkhart gave a brief overview of the issue and responded to comments and questions of Councilmember Calhoun relative to the serious housing needs in certain areas of his district, the census tract selection process, and if he would be contacted for input during the process. Councilmember Calhoun requested information on the Herndon City, Highway City and Pinedale areas.

On motion of Acting President Ronquillo, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled Resolution No. 01-287 hereby adopted, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea |
| Noes | : | None |
| Absent | : | None |

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(2A) APPROVE CITY ALLOCATION IN THE 2001 FRESNO COUNTY REGIONAL HOUSING NEEDS ALLOCATED PLAN (CONTINUED FROM EARLIER)

Development Director Yovino advised the matter could be delayed one week and with Council consensus the matter was continued to September 25th for action. Brief discussion ensued on "late" items and the agenda delivery process, with City Clerk Klisch and Mr. Yovino responding to questions and clarifying the process.

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(5C) DIRECT CITY MANAGER TO REPORT ON THE FEASIBILITY OF REDUCING THE SIZE OF THE BLUE SOLID WASTE RECYCLE BIN FROM 96 TO 64 GALLONS FOR THE ELDERLY WITH THE SAME COST REDUCTION AS THE GREY GARBAGE CONTAINER - COUNCILMEMBER QUINTERO

(3 - 0) Reviewed by Councilmember Quintero who stated at issue was the cost for elderly and single couples on fixed-incomes who do not need the larger bin and questioned if his direction as outlined could be looked into.

Acting President Ronquillo and Councilmember Castillo spoke in opposition citing the increased cost that would be passed on to other customers and the need to be fair and offer such incentives across the board. Interim Public Utilities Director McIntyre responded to questions of Councilmembers Duncan relative to whether costs would be increased, if there would be any savings, and recycled material not generally being a health hazard. Councilmember Duncan stated a significant cost would be added by offering the smaller container and he would not support the direction.

Mr. McIntyre responded to questions of Councilmember Quintero relative to the purchase of commercial roll-off bins, if the purpose of more commercial business was to subsidize residential users, why budgeted funds for the commercial bins could not be used to purchase the smaller bins, and privatization. Stating there was no support Councilmember Quintero did not offer a motion.

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(10:15 A.M.) HEARING ON FORMATION OF UNDERGROUND UTILITY DISTRICT (UUD) NO. FRE-77, PROPERTY LOCATED AT PEACH AVENUE BETWEEN CLAY AND LYELL AVENUES

1. RESOLUTION NO. 01-288 - APPROVING THE FORMATION OF UUD NO. FRE-77

President Perea announced the time had arrived to consider the issue and opened the hearing.

Supervising Engineer Phillips gave a brief overview of the staff report as submitted and responded to questions of Councilmember Castillo relative to whether home owners were informed of the cost when purchasing their homes and the reimbursement process.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Castillo, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 01-288 hereby adopted, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea |
| Noes | : | None |
| Absent | : | None |

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(5D) DISCUSSION OF THE FRESNO BEE ARTICLE ENTITLED "COUNCIL FUNDS LANGUISHED" - COUNCILMEMBER BOYAJIAN (DISCUSSED AGAIN AFTER RECESS)

Councilmember Boyajian stated he was perturbed with the recent article as a lot of misinformation was given to his constituents; advised he called the Fresno Bee and the reporter and told them the article was wrong as he actually had \$20,000 carried over from his infrastructure budget rather than \$128,400 due to his account not being debited; contrary to the article stressed *more* money was needed and stated one million dollars would not take care of his district's needs; advised of the numerous street projects undertaken in his district the past three years; commended the public works department emphasizing they were doing a tremendous job; and concluded stating all the reporter had to do was call any council member to explain how much money was in their budget and reiterated he only carried over \$20,000.

Councilmember Calhoun concurred and stated infrastructure budgets were of interest to the public and the Grand Jury and stressed the focus should be on actual infrastructure projects first and then non-infrastructure items; commented on how the slow accounting process painted a false picture of the total balance available in the budgets; acknowledged the report that was provided to public and press was misleading and advised his budget had a remaining balance/carryover of \$10,000 versus \$71,200; submitted a letter to Council, a copy of which is on file in the office of the City Clerk, and advised he was including it as a supplement to the September 14th Memo regarding Grand Jury

Request for Information; and concluded stating Council did what they were asked and promised to do (i.e. reconstruct sidewalks and streets) and requested information that is made public in the future reflect what was actually done. Acting President Ronquillo concurred with the need to release accurate information and commented on the infrastructure budgets and process and stated \$140,000 was not that much considering districts' needs. Councilmember Castillo stated he concurred with comments made and stated he, too, received many calls from organizations who thought he had \$26,900 stating that was incorrect as the money had already been allocated. President Perea stated good discussion had occurred and comments were well taken.

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(10:30 A.M.) HEARING ON THE VACATION OF N. HARRISON BETWEEN "H" STREET AND BELMONT AVENUE AND AN ALLEY SOUTH OF BELMONT BETWEEN HARRISON AND "H" STREET

1. RESOLUTION NO. 01-289 - ORDERING THE VACATION OF N. HARRISON BETWEEN "H" STREET AND BELMONT AVENUE AND AN ALLEY SOUTH OF BELMONT BETWEEN N. HARRISON AND "H" STREET

President Perea announced the time had arrived to consider the issue and opened the hearing. A motion and second was made to approve staff's recommendation.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Acting President Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 01-289 hereby adopted, by the following vote:

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| Ayes | : | Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea |
| Noes | : | None |
| Absent | : | None |

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RECESS - 10:40 A.M. - 11:36 A.M.

(5D) DISCUSSION OF THE FRESNO BEE ARTICLE ENTITLED "COUNCIL FUNDS LANGUISHED" - COUNCILMEMBER BOYAJIAN (CONTINUED FROM EARLIER; DISCUSSED AGAIN AFTER THE FOLLOWING MATTER)

Councilmember Calhoun stated he and Councilmember Boyajian wanted to pursue whether information submitted to the Grand Jury was accurate and if Council could provide comment. Assistant City Manager Souza clarified staff's responses to the Grand Jury's report would be submitted to Council in two weeks and recommended any interested council member schedule a meeting with the Grand Jury on the issue. Upon question, Interim Controller Quinto advised staff provided information at the request of a Grand Jury member for specific information regarding expenditures and encumbrances for council infrastructure budgets for the last two fiscal years. Councilmember Calhoun stated he wanted his comments on the city manager's memo to go to the Grand Jury and also wanted to see all information submitted to them. Mr. Souza recommended staff obtain Council's comments and concerns and advised they would be packaged and submitted to the Grand Jury as an addendum. In light of the request being specific to the City Council, President Perea requested discussion occur with Council before any information is sent out.

Upon request and question of Councilmember Castillo, City Attorney Montoy (1) explained the protocol for disseminating information to the Grand Jury (i.e., reports and specific requests for information received on any given day), (2) advised legally specific information being requested did not have to go to Council for clarification before being sent out, and (3) advised the code did not provide for a council member's review of anything requested specific to that council member. Councilmember Castillo stated he would like to be aware of what information goes out to the Grand Jury relative to his budget, and Ms. Montoy advised she would provide a comprehensive report adding there were some limitations.

President Perea noted good points were made and stated he felt Council should have been brought into the loop before responding back to the Grand Jury as the matter in this particular case dealt with their infrastructure budgets which had been a "high profile" issue the last few years. (Mayor Autry commented briefly after the next issue.)

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(11:30 A.M.) JOINT MEETING WITH THE JOINT POWERS FINANCING AUTHORITY

The City Council met in joint session with the Joint Powers Financing Authority at the hour of 11:50 a.m.

(A) RESOLUTION NO. 01-290 - ACCEPTING A PROMISSORY NOTE FROM THE FRESNO JOINT POWERS FINANCING AUTHORITY (JPFA) TO THE CITY OF FRESNO FOR UP TO \$30,000,000, WITH THE PROCEEDS TO BE INVESTED AT THE LOCAL AGENCY INVESTMENT FUND (LAIF) (*COUNCIL ACTION*)

1. RESOLUTION NO. 12 - APPROVING A PROMISSORY NOTE TO THE CITY OF FRESNO (*JPFA ACTION*)

2. RESOLUTION NO. 13 - AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND (LAIF) (*JPFA ACTION*)

(4 - 0) On motion of Councilmember Duncan, seconded by President Perea, duly carried, RESOLVED, the above entitled Council Resolution No. 01-290 hereby adopted, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea |
| Noes | : | None |
| Absent | : | None |

On motion of Councilmember Duncan, seconded by Mayor Autry, duly carried, RESOLVED, the above entitled JPFA Resolution Nos. 12 and 13 hereby adopted, by the following vote:

| | | |
|--------|---|----------------------|
| Ayes | : | Duncan, Perea, Autry |
| Noes | : | None |
| Absent | : | None |

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The joint meeting of the Council and JPFA adjourned at 11:51 a.m. and Council reconvened in regular session.

(5D) DISCUSSION OF THE FRESNO BEE ARTICLE ENTITLED “COUNCIL FUNDS LANGUISHED” - COUNCILMEMBER BOYAJIAN (CONTINUED FROM EARLIER)

Mayor Autry stated he supported Council’s comments and would support changes, if legally permissible, to provide for Council involvement in the process of disseminating information to the Grand Jury and added he supported Council and their infrastructure funds stating it was important to have discretionary funds available and the flexibility to meet the needs that arise in each district.

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LUNCH RECESS - 11:54 A.M. - 2:02 P.M.

CONTESTED CONSENT CALENDAR ITEMS:

(1A-9a) * RESOLUTION NO. 01-291 - 389TH AMENDMENT TO MFS RES.80-420 DECREASING THE COMMUNITY SANITARY SERVICES FEES

1. * RESOLUTION NO. 01-292 - 17th AMENDMENT TO AAR 01-200 APPROPRIATING \$359,000 DECREASE OF SPENDING AUTHORITY DUE TO THE RECISSION OF THE COMMUNITY SANITATION RATE INCREASE

Councilmember Calhoun advised it was his understanding the “hit” would be internal and would not affect what citizens see, and stated he opposed a reduction in services adding it was the right of residents to determine if they wanted to reduce taxes to cut back on services. Upon request, City Attorney Montoy clarified the background of the issue and reasons for the requested actions. A motion and second was made to approve staff’s recommendation.

City Manager Hobbs advised staff tried to minimize any impacts and clarified there would be a minimal reduction in service. HNR Director Quiring submitted written information on the impact of rescinding the 16% increase, a copy of which is on file in the office of the City Clerk, explained how the three departments affected by the decrease planned to make up the loss of revenues, and along with Mr. Hobbs responded to questions of President Perea and Councilmember Calhoun relative to why services would have been reduced since the \$1 million in revenues would have been “new money”, if inflation was part of department’s increased costs, the various cost increases that will be affected by the loss in revenue, and amount of impact that would occur and if citizen calls should be expected. Councilmember Calhoun stressed this loss of revenues would hurt beautification efforts, stated he appreciated staff’s plans to minimize impacts, and questioned what the earliest date was to place the increase matter on the ballot for a public vote, with City Attorney Montoy responding the November 2002 election would be the earliest and she would report back with a road map and timeline within 60 days. Brief discussion ensued on the budget and service impacts.

On motion of Councilmember Calhoun, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled Resolution Nos. 01-291 and 01-292 hereby adopted, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Castillo Duncan, Quintero Ronquillo, Perea |
| Noes | : | None |
| Absent | : | None |

(1A-10a) APPROVE THE LANDSCAPE MAINTENANCE AGREEMENT WITH TREE FRESNO FOR LANDSCAPE SERVICES

Acting President Ronquillo expressed concern with the lack of caring and continuing inability to maintain the landscaping on Fresno Street at the medical center stressing it was the gateway to downtown and emphasized the landscaping was at risk, with John Valentino, Tree Fresno, and Parks & Recreation Director Primavera clarifying issues and stating Tree Fresno and staff would address concerns and be more alert in the future. Brief discussion ensued on alternative options to deal with the problem. Acting President Ronquillo stated he wanted to meet with staff and Tree Fresno and Mr. Primavera stated he would set up a meeting.

A motion and second to approve staff's recommendation was made and acted upon after additional discussion with Mr. Primavera, a Local Conservation Corps (LCC) representative and Mr. Valentino responding to concerns, questions and/or comments of Councilmembers Calhoun, Duncan, Boyajian and Quintero relative to landscaping problems at the upper end of Blackstone Avenue, the exclusion of the Huntington Boulevard area and relation to traded areas, request to consider District 6 in Tree Fresno's work program, commendation and thanks for work in Council District 1, and the LCC contract and work crews.

On motion of Acting President Ronquillo, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, the Landscape Maintenance Agreement between the City of Fresno Parks and Recreation Department and Tree Fresno hereby approved, and the Parks and Recreation Director/designee authorized to execute all documents which may be necessary for the execution and administration of the agreement, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Castillo Duncan, Quintero Ronquillo, Perea |
| Noes | : | None |
| Absent | : | None |

(1A-4a) APPROVE EXPENDITURE OF \$17,100 OF DISTRICT 5'S GENERAL FUND 15% NON-INFRASTRUCTURE TO FUND: MOSQUEDA CENTER KIDS DAY FESTIVAL (\$10,000), "ONE BY ONE LEADERSHIP"(\$6,500), RUN TO READ AT AYER SCHOOL (\$500), AND SUNNYSIDE HIGH SCHOOL BOYS SOCCER PROGRAM (\$100) - COUNCILMEMBER QUINTERO (APPROVED, AS AMENDED, EXCLUDING \$10,000 FOR MOSQUEDA CENTER KIDS DAY FESTIVAL**)**

Councilmember Calhoun advised the above expenditures exceeded the 15% limitation for non-infrastructure items and requested an interpretation from the City Attorney, with Ms. Montoy explaining the formula and advising an appropriation resolution requiring fives votes would be necessary for anything exceeding 15%.

Upon question, Councilmember Quintero clarified his intent was to appropriate funds exactly as outlined, stated he was disappointed he was not contacted beforehand on the issue, and offered an amended motion to approve all of the above expenditures *except the \$10,000 for the Mosqueda Center Kids Day Festival*, which was seconded and acted upon after discussion.

Assistant City Manager Souza responded to questions of President Perea and Councilmember Quintero relative to notification process on the 15% threshold usage, if the funds were general fund dollars and if that allowed for flexibility, and if “infrastructure” was the proper term for the account, with Councilmember Quintero reiterating people were “infrastructure” to him. **(5 - 0)** Acting President Ronquillo encouraged Council to stick with the approved formula noting it could be changed with five votes and stated if it was felt there was a need to debate and change the formula that it be done during the next budget session. Councilmember Castillo concurred and added another option Council needed to be cognizant of was to increase the infrastructure budget amount stating as policy-makers Council had the authority to do that, and stated he agreed people were infrastructure and sometimes \$140,000 was not enough.

On motion of Councilmember Quintero, seconded by Councilmember Calhoun, duly carried., **RESOLVED**, the expenditure of \$7,100 of District 5's General Fund 15% non-infrastructure to fund \$6,500 for “One by One Leadership”, \$500 for “Run to Read” at Ayer School, and \$100 for Sunnyside High School Boys Soccer Program hereby approved, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea |
| Noes | : | None |
| Absent | : | None |

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(2:00 P.M. #2 & #3) REGULAR AND SPECIAL JOINT CLOSED SESSION:

(A) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE OF LITIGATION - CASE NAME: CLAIM OF DOMINGA LOPEZ CAMPOS, ET AL.

(C) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION - CASE NAMES:

1. CITY OF FRESNO V. PUBLIC UTILITIES COMMISSION
2. CITY OF FRESNO V. CITY OF CLOVIS, LAFCO AND COUNTY OF FRESNO
3. ONE UNSPECIFIED CASE (DISCLOSURE OF TITLE WOULD ADVERSELY AFFECT SETTLEMENT NEGOTIATIONS)

(F) SPECIAL JOINT CLOSED SESSION WITH THE FRESNO RECREATIONAL FACILITIES FINANCING AUTHORITY AND THE REDEVELOPMENT AGENCY - CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8:

1. **PROPERTY**: REAL PROPERTY OPERATED AS PALM LAKES GOLF COURSE (5008 E. DAKOTA)
CITY NEGOTIATORS: DAN FITZPATRICK, REDEVELOPMENT AGENCY EXECUTIVE DIRECTOR
NEGOTIATING PARTIES: CITY OF FRESNO, REDEVELOPMENT AGENCY AND PETER STRAVINSKI
UNDER NEGOTIATION: CONSIDERATION AND TERMS OF STRAVINSKI OFFER TO CONVEY ALLEGED PROPERTY INTEREST TO PUBLIC ENTITY
2. **PROPERTY**: REAL PROPERTY OPERATED AS PALM LAKES GOLF COURSE (5008 E. DAKOTA)
CITY NEGOTIATORS: CARLA GLAZEBROOK, MAYOR’S OFFICE, AND RON PRIMAVERA, DIRECTOR OF PARKS AND RECREATION
NEGOTIATING PARTIES: LEN ROSS, ET AL.
UNDER NEGOTIATIONS: REQUEST FOR AUTHORIZATION TO ENTER INTO NEGOTIATIONS FOR PROPERTY ADJACENT TO EXISTING GOLF COURSE

The City Council met in regular and special joint closed session in Room 2125 at the hour of 2:50 p.m. to consider the above matters and adjourned thereafter.

(B) CONFERENCE WITH LABOR NEGOTIATOR - CITY NEGOTIATORS: ANDREW SOUZA, SEVERO ESQUIVEL AND JORGE AGUINIGA - EMPLOYEE ORGANIZATIONS: INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS LOCAL 39; AND INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (IBEW), LOCAL 100

(D) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - TITLE: CITY ATTORNEY

(E) CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

PROPERTY: BNSF DEPOT BUILDING, BNSF FREIGHT OFFICE (AMTRAK STATION) AND THREE PARCELS OF BNSF LAND EAST OF THE BNSF TRACKS AT TULARE STREET

CITY NEGOTIATORS: ANDREW SOUZA, MARK WILLIAMSON, CARL KASSABIAN, DARRYL BALCH AND ROBERT ENGLISH

NEGOTIATING PARTIES: BURLINGTON NORTHERN AND SANTA FE RAILROAD (BNSF)

UNDER NEGOTIATION: INSTRUCTIONS TO NEGOTIATORS REGARDING BOTH PRICE AND TERMS OF PAYMENT

The above items **B**, **D** and **E** laid over one week.

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(3:15 P.M.) REPORT ON CONSOLIDATION OF CITY SERVICES RELATING TO STREET TREE MAINTENANCE

Laid over one week.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 5:32 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

APPROVED on the 25th day of September, 2001.

ATTEST: _____

Henry Perea, Council President

Yolanda Salazar, Assistant City Clerk

138-118

9/18/01